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June 15, 1999

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JUN 15 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Ms. Salas:

Transmitted herewith, on behalf of WTKR-TV, Inc., licensee of NTSC television station WTKR-TV, Norfolk, Virginia, are an original and four copies of its "Petition for Rule Making to Modify DTV Channel Allotment." The petition requests initiation of rule making proceedings to substitute Channel 40 for Channel 58 as the DTV Channel allotment to be paired with WTKR-TV.

Attachment B to the petition is a draft "Notice of Proposed Rule Making", which is submitted pursuant to Section 1.401(e) of the Commission's Rules. Should the Commission's staff wish us to do so, we can provide a copy of Attachment B on a disk in WordPerfect 6.1 format.

In the event there are any questions concerning this matter, please contact the undersigned.

Very truly yours,

Arthur B. Goodkind

Enclosures

No. of Copies rec'd 0+4
List ABCDE

Before The
Federal Communications Commission
Washington, D.C. 20554

In the matter of:	)
	)
Modification of DTV	)
channel allotment for	)
television station WTKR-TV,	)
Norfolk, Virginia	)

To: Mass Media Bureau

PETITION FOR RULE MAKING TO MODIFY DTV CHANNEL ALLOTMENT

WTKR-TV, Inc. ("WTKR"), licensee of television station WTKR-TV, Norfolk, Virginia, by its attorneys, hereby requests that the Commission initiate proceedings to amend Section 73.622 of its Rules and Appendix B to its Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Reports and Orders in MM Docket No. 87-268 ("Appendix B") to substitute Channel 40 for Channel 58 as the DTV transition channel to be paired with television station WTKR-TV. This channel change request is conditioned on there being no change in the Appendix B's specification of 1000 kw as the maximum ERP to be employed by WTKR-DT on DTV Channel 40, which is the same maximum ERP WTKR is presently authorized to request on DTV Channel 58.

WTKR's present DTV transitional allotment, Channel 58, is not within the core group of television channels to be retained for broadcast use following the end of the DTV transition. At

that point, WTKR will either be required to shift its DTV operations to Channel 3, its present analog channel, or to seek allotment of a totally new channel within the core group. The second of these alternatives is clearly undesirable and the first may be undesirable. A shift to a totally new channel would require that the station purchase new transmission equipment and would mean that WTKR-DT would lose the channel number identification it would have created during its years of transitional DTV broadcasting on Channel 58. On the other hand, the desirability of Channel 3 for permanent DTV broadcasting is at this point uncertain owing to what may prove to be greater susceptibility of DTV reception to electrical noise on the low band VHF channels.

In order to preserve the option of continuing to broadcast on its transitional DTV channel after the transition has ended, as well as to obtain the propagation advantage of a somewhat lower frequency, WTKR hereby requests that the Commission initiate proceedings to substitute Channel 40 for Channel 58 as its transitional channel. As demonstrated in the Engineering Statement of Bernard R. Segal, P.E. (Attachment A hereto), this proposed channel substitution would be consistent with the requirements of Section 73.623 of the Rules in that (1) the principal city coverage requirements of Section 73.625(a) of the Rules would be met and (2) no NTSC or DTV station would receive interference from a WTKR-DT channel 40 operation in excess of the

de minimis standard established in Section 73.623(c)(2) of the Rules.

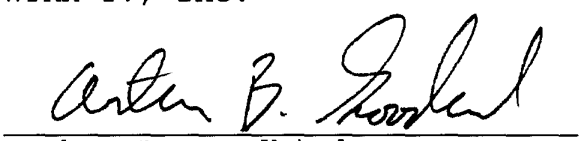
As noted above, WTKR's channel substitution request is conditioned on its being authorized to broadcast on Channel 40 with a maximum ERP of 1000 kw. That is the same ERP as is presently authorized for WTKR-DT's use of Channel 58. Operation with 1000 kw ERP on Channel 40 will produce virtually the same degree of replication of WTKR-DT's present analog service area as would operation with 1000 kw ERP on Channel 58. Included in Mr. Segal's attached Engineering Statement is a demonstration that a 1000 kw Channel 40 WTKR-DT operation would not preclude any other station from achieving a power level of at least 200 kw.

WTKR accordingly requests that the Commission initiate proceedings to amend Section 73.622(b) of the Rules, with no

change in Appendix B's specification of 1000 kw as the maximum effective radiated power for WTKR-DT.[1]

Respectfully submitted,

WTKR-TV, Inc.

By: 

Arthur B. Goodkind
Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036
(202) 467-5700

June 15, 1999

[1]Pursuant to Section 1.401(e) of the Rules, a draft "Notice of Proposed Rule Making" is Attachment B hereto.

ATTACHMENT A

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
WTKR, INC.
STATION WTKR
NORFOLK, VIRGINIA

The instant Engineering Exhibit has been prepared on behalf of WTKR, Inc., the licensee of television station WTKR, Norfolk, Virginia. Engineering support is provided for a Petition to amend the DTV Table of Allotments, Section 73.622(b) of the Rules. The FCC allotted Ch. 58 for transitional DTV use for station WTKR. The instant Engineering Statement provides support to amend the allotment to Ch. 40. Channel 58 is out of the core of channels that will be retained for television use after the transition whereas Ch. 40 is within the core.

The proposed Ch. 40 DTV allotment is for operation from the same location as for the existing NTSC operation of WTKR. Station WTKR's NTSC operation is on Ch. 3 and a six element Ch. 3 antenna is located atop the tower. The existing antenna occupies an aperture of 30.8 meters (101 feet). In order to accommodate for the proposed Ch. 40 DTV allotment, WTKR, Inc., proposes to replace the six element antenna with a three element Dielectric, Model TF-3EL, Ch. 3 antenna that will be surmounted by a Dielectric, Model

TFU-28GTH-R, antenna designed for operation on Ch. 40. The new stacked antenna arrangement will occupy the same aperture as the existing six element Ch. 3 antenna. The radiation center for the new Ch. 40 antenna will be 315 meters above ground level and 315 meters above mean sea level. The average effective radiated power for the proposed Ch. 40 allotment is 1000 kW. The antenna radiation center height above average terrain is 313 meters.

In compliance with the requirements of Section 73.623(c), studies are provided which demonstrate that the proposed change in the allotment table will permit a facility that satisfies the coverage and allocation criteria of the recited rule.

Figure 1 is a map demonstrating the extent of coverage of the 41 dBμ, F(50,90) contour for the proposed allotment. Figure 2 is a tabulation of terrain elevation data and distances to the 41 dBμ, F(50,90) contour for the contour shown in Figure 1. Figure 1 demonstrates that the entire community of Norfolk will be encompassed and that the proposed allotment, therefore,

complies with the principal community coverage requirement of Section 73.625(a).

As to allocation concerns, the study provided herein as Figure 3 demonstrates that no NTSC station and no DTV station or allotment would receive interference from the proposed WTKR-DT Ch. 40 facility affecting population in excess of the "de minimis" 2% allowable level. The cumulative interference, where the proposed WTKR-DT facility would cause interference to any NTSC or DTV station, will not exceed the maximum allowable of 10%.

The study of Figure 3 was performed using an FCC matched computer analysis taking into account both NTSC and DTV allocation factors. A computer using an Alpha processor was employed in conjunction with the FCC's FLR software. For each station studied, the reference information from Appendix B of the Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders in MM Docket No. 87-268 is listed in Figure 3 for comparison with the results obtained independently using the Alpha processor with the FCC's FLR software. The independently determined calculation results are in good agreement with the

FCC's Appendix B results. However, since changes in the facilities of some stations have occurred since Appendix B was issued, additional studies were performed using those modified facilities. Pending applications were not considered.

Two additional studies were performed. The first study took into account the current Appendix B allotment facilities for WTKR-DT (Ch. 58) and the facilities of other stations as modified by outstanding construction permits that provided a reference for comparison with the results of the second study which included the effect of the proposed new WTKR-DT Ch. 40 DTV allotment for paired use with Ch. 3. In no instance would the FCC allowable 2% de minimis interference level be exceeded toward any NTSC station or DTV allotment, and in no instance where the proposed WTKR-DT facility would cause interference, would the maximum cumulative 10% allowable interference limit be exceeded to any NTSC station or DTV allotment.

In those instances where a DTV authorization had been issued, a review was made to determine if the allotment facilities of Appendix B were exceeded. No allotment facility was exceeded, and the allotment facilities were used in lieu of the DTV CP or licensed facilities.

In consonance with the spirit of the FCC policy which seeks to afford an opportunity for NTSC UHF stations that have been allotted a paired DTV channel with average effective radiated power of less than 200 kW to seek power as great as 200 kW, additional studies have been performed for the two such potentially impacted allotments when WTKR-DT operates on Ch. 40 with average effective radiated power of 1000 kW.

That policy requires that a demonstration be made that the proposed higher than 200 kW power for the subject proposal not preclude another station with allotted power of less than 200 kW from proposing a power level of 200 kW. The two DTV allotments meriting consideration are those at Baltimore, MD, Ch. 40, and Roanoke Rapids, NC, Ch. 39. The paired

NTSC assignments are, respectively, for WNUV, Ch. 54, and for WUNP-TV, Ch. 36.

Figure 4 presents the study results for WNUV-DT, Baltimore, MD, Ch. 40, and Figure 5 presents the study results for WUNP-DT, Roanoke Rapids, NC, Ch. 39. The Appendix B allotment facilities for WNUV-DT are 140.8 kW (MAX-DA), 348 meters. For WUNP-DT, the Appendix B allotment facilities are 50 kW, 368m. Because the FLR database was modified for the purposes of the studies of Figures 4 and 5 to take into account newly authorized facilities since Appendix B was issued, several instances arise where the independent calculations do not agree with the Appendix B information. However, since the initial study performed for WTKR showed excellent correspondence with the Appendix B information, it was believed unnecessary to perform similar "reference" studies for WNUV-DT and WUNP-DT. Rather, the initial studies performed for each station were for the allotment facilities with the FLR database updated according to issued CP's and licenses.

After the initial study as just described was performed, a second study was then performed for each station with its maximum average effective radiated power increased to 200 kW. In each instance, the facilities for WTKR-DT were those allotted on Ch. 58 in accordance with Appendix B. Finally, the proposed Ch. 40 facilities for WTKR-DT were substituted for the Appendix B Ch. 58 facilities for WTKR-DT and WNUV-DT and WUNP-DT, in turn, were assumed to be operating with maximum average effective radiated power of 200 kW. The studies of Figures 4 and 5 demonstrate that the operation of WTKR-DT on Ch. 40 in no way obstructs a possible power increase to 200 kW for either WNUV-DT or WUNP-DT.

Consideration has been given to the displacements of low power television (LPTV) stations resulting from WTKR-DT operation on Ch. 40. The undersigned has been able to identify two such stations that may require displacement: cochannel station W40AH, Chesapeake, VA, and adjacent channel station W39BW, Newport News, VA. The former is 31.3 km from the WTKR-DT site and the latter is11.3 km from the WTKR-DT site. It appears that these two station displacements would be offset by the elimination of the displacements of cochannel station W58AK Craddockville, VA and adjacent

channel station WTTD-LP, Hampton, VA, Ch. 59; the former at a distance of 103.5 km and the latter at a distance of 25.9 km from the WTDK-DT Ch. 58 allotment site. Thus, the proposed Ch. 40 allotment for WTKR-DT will create no greater service disruption than had been contemplated for the initial Ch. 58 allotment for WTKR-DT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 10, 1999.

Bernard R. Segal, P.E.

Bernard R. Segal, P.E.

Figure 1

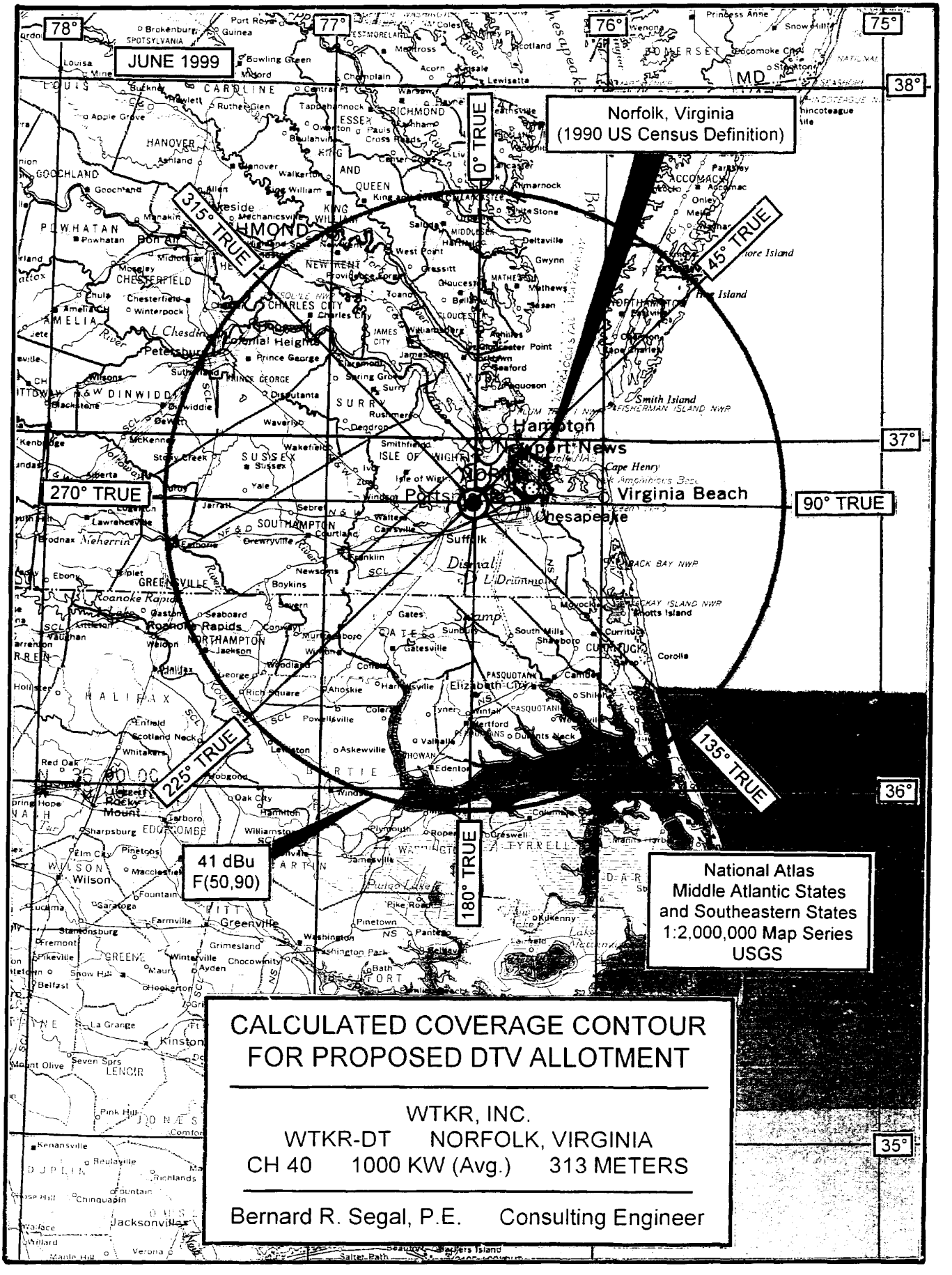

JUNE 1999
Norfolk, Virginia
(1990 US Census Definition)
0° TRUE
45° TRUE
90° TRUE
135° TRUE
180° TRUE
225° TRUE
270° TRUE
315° TRUE
41 dBu
F(50,90)
National Atlas
Middle Atlantic States
and Southeastern States
1:2,000,000 Map Series
USGS
CALCULATED COVERAGE CONTOUR
FOR PROPOSED DTV ALLOTMENT
WTKR, INC.
WTKR-DT NORFOLK, VIRGINIA
CH 40 1000 KW (Avg.) 313 METERS
Bernard R. Segal, P.E. Consulting Engineer
Hampton
Newport News
Virginia Beach
Chesapeake
Norfolk
Portsmouth
Suffolk
Richmond
Petersburg
Colonial Heights
Roanoke Rapids
Wilson
Greenville
Rocky Mount
Elizabeth City
Currituck
Corolla
Smith Island
Cape Henry
78°
77°
76°
75°
38°
37°
36°
35°
MD
10 0 20 40 60 80 100 MILES
10 0 50 100 150 KILOMETRES

Figure 2

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
WTKR, INC.
STATION WTKR
NORFOLK, VIRGINIA

Tabulation of Average Elevations and Distances
to the DTV Coverage Contour

Proposed WTKR-DT, Norfolk, Virginia
Ch. 40, 1000 kW (Avg.), 313 m
Site Coordinates: 36° 48' 56" North Latitude; 76° 28' 00" West Longitude

Azimuth (Deg.T)	3.2-16.1 km Terrain Average (mAMSL)	Radiation Center Above Terrain Average (m)	Distance to 41 dBμ, F(50,90) DTV Coverage Contour (km)
0	0	315	98.5
45	1	314	98.4
90	0	315	98.5
135	0	315	98.5
180	5	310	98.0
225	4	311	98.1
270	5	310	98.0
315	3	312	98.1
	—	—	
Average	2	313	

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
WTKR, INC.
STATION WTKR
NORFOLK, VIRGINIA

NTSC and DTV Allocation Studies for Proposed WTKR-DT Allotment

Ch. 40, 1000 kW, 313 meters

NAD 1927 Site Coordinates: 36° 48' 56" North Latitude
76° 28' 00" West Longitude

Antenna Radiation Center: 315 mAMSL

A: NTSC Allocation Study

Ch. Relation-ship[2]	Potentially Affected Desired NTSC Station	Appendix B Data[1] Current Svc. Pop. (Thous.)	Appendix B Data[1] Allotted DTV Interf. (%)	Independent Calculations Current Svc. Pop. (Thous.)	Noise Limited Pop. (Thous.)	Allotted DTV Interf. (Thous.)	Allotted DTV Interf. (%)	New Interf. from Prop. WTKR-DT (Thous.)	New Interf. from Prop. WTKR-DT (%)	Cumulative DTV Interf. (%)
n-0	WKFT, Fayetteville, NC Ch. 40, 5000 kW, 585 m	2229	0.4	2,228	2,316	9	0.4	38	1.6	2.0
	WMGM-TV, Wilwood, NJ Ch. 40, 741 kW, 128 m	448	1.5	448	448	9	2.0	0	0.0	2.0
	WLFB, Bluefield, WV C.P. Ch. 40, 1000 kW, 387 m	337	0.1	339	361	0	0.0	—	—	—
	C.P. Mod. Ch. 40, 3160 kW, 391 m	—	—	368	390	1	0.3	0	0.0	0.3
n-1	WHTJ, Charlottesville, VA Ch. 41, 251 kW (MAX-DA), 352 m	205	0.7	196	196	2	1.0	0	0.0	1.0
n-2	WVPY, Front Royal, VA Ch. 42, 141 kW (MAX-DA), 398 m	225	1.8	223	223	10	4.5	0	0.0	4.5
n-3	WVBT, Virginia Beach, VA C.P. Ch. 43, 5000 kW, 261 m	1,573	0.0	1,573	1,573	0	0.0	0	0.0	0.0
n-4	None sufficiently close for concern	—	—	—	—	—	—	—	—	—

[1] Data obtained from Appendix B of the Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders in MM Docket No. 87-268.

[2] n=desired NTSC station's channel.

Figure 3
Sheet 1 of 3

A: NTSC Allocation Study continued

Ch. Relation-ship[2]	Potentially Affected Desired NTSC Station	Appendix B Data[1] Current Svc. Pop. (Thous.)	Appendix B Data[1] Allotted DTV Interf. (%)	Independent Calculations Current Svc. Pop. (Thous.)	Noise Limited Pop. (Thous.)	Allotted DTV Interf. (Thous.)	Allotted DTV Interf. (%)	New Interf. from Prop. WTKR-DT (Thous.)	New Interf. from Prop. WTKR-DT (%)	Cumulative DTV Interf. (%)
n-7	WRPX, Rocky Mount, NC Ch. 47, 5000 kW (MAX-DA), 371 m	1,181	0.1	1,180	1,209	1	0.1	0	0.0	0.1
	WMDT, Salisbury, MD Ch. 47, 2190 kW (MAX-DA), 304 m	417	0.2	417	417	1	0.2	0	0.0	0.2
n-8	None sufficiently close for consideration	—	—	—	—	—	—	—	—	—
n+1	None sufficiently close for consideration	—	—	—	—	—	—	—	—	—
n+2	WEPX, Greenville, NC[3] Ch. 38, 3020 kW, 155 m	—	—	527	530	174	33.0	0	0.0	33.0
n+3	Channel 37 is unused	—	—	—	—	—	—	—	—	—
n+4	WUNP-TV, Roanoke Rapids, NC Ch. 36, 1550 kW, 368 m	517	0.6	517	547	3	0.5	0	0.0	0.5
n+7	None sufficiently close for consideration	—	—	—	—	—	—	—	—	—
n+8	WHUT-TV, Washington, DC Ch. 32, 5000 kW (MAX-DA), 213 m	5,777	2.3	5,805	5,833	120	2.1	0	0.0	2.1
n+14	WETA-TV, Washington, DC Ch. 26, 2290 kW, 235 kW	5,637	4.1	5,772	5,936	298	5.0	0	0.0	5.0
n+15	WUNK-TV, Greenville, NC Ch. 25, 1260 kW (MAX-DA), 351 m	598	1.7	600	646	10	1.5	0	0.0	1.5

[1] Data obtained from Appendix B of the Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders in MM Docket No. 87-268.
[2] n=desired NTSC station's channel.
[3] Construction permit without a paired DTV allotment.

B: DTV Allocation Study

Ch. Relation-ship[1]	Potentially Affected Desired DTV Allotment or Station	Appendix B Data		Independent Calculations					
						Additional Interf. from prop. WTKR-DT		DTV/NTSC Service	
		Baseline Pop. (Thous.)	DTV Service (Thous.)	Baseline Pop. (Thous.)	DTV Service (Thous.)	(Thous.)	(%)	w/ WTKR-DT Ch. 58 (%)	w/ WTKR-DT Ch. 40 (%)
n-0	Allotment, Baltimore, MD[2] Ch. 40, 140.8 kW (MAX-DA), 349 m	5,667	5,507	5,632	5,565	3	0.1	97.2	97.1
n+1	Allotment, Roanoke Rapids, NC Ch. 39, 50.0 kW (MAX-DA), 368 m					0	0.0	Not applicable	Not applicable
n-1	Allotment, Hampton, VA[3] Ch. 41, 923.2 kW, 301 m	1,715	1,715	1,715	1,715	0	0.0	Not applicable	Not applicable

[1] n=desired DTV allotment's channel.
[2] This is a DTV allotment where the NTSC service is greater than the DTV service and the baseline population for determining the 10% interference limitation is the NTSC Grade B service from Appendix B.
[3] A checklist application for construction permit, BPCDT-980605KE, has been granted for WVEC-DT (Ch. 41, 531 kW, 344 m)

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
WTKR, INC.
STATION WTKR
NORFOLK, VIRGINIA

NTSC and DTV Allocation Studies for WNUV-DT, Baltimore, MD, Assumed at 200 kW
Using FCC Allotment for Ch. 40, 140.8 kW (MAX-DA), 349.0 m as Reference

Site: 39° 17' 15" North Latitude; 76° 45' 38" West Longitude

Note: FCC FLR database updated to reflect construction permits authorized and with Canadian stations deleted.

A: NTSC Allocation Study

Ch. Relation-ship[1]	Potentially Affected Desired NTSC Station	Appendix B Data: Current Svc. Pop. (Thous.)	Appendix B Data: Allotted DTV Interf. (%)	Independent Calculations: Current Svc. Pop. (Thous.)	Noise Limited Pop. (Thous.)	DTV Interf. Taking Into Account C.P.'s (Thous.)	DTV Interf. Taking Into Account C.P.'s (%)	New Interf. from Assumed WNUV-DT@ 200 kW (Thous.)	New Interf. from Assumed WNUV-DT@ 200 kW (%)	Cum-ulative DTV Interf. (%)	New Interf from Prop WTKR-DT (Thous.)	New Interf from Prop WTKR-DT (%)	Cum-ulative Interf. (%)
n-0	WGGB-TV, Springfield, MA Ch. 40, 4270 kW (MAX-DA), 322 m	2,146	3.5	2,110	2,131	61	2.9	0	0.0	2.9	0	0.0	2.9
	WKFT, Fayetteville, NC Ch. 40, 5000 kW, 561 m	2,229	0.4	2,228	2,316	9	0.4	0	0.0	0.4	38	1.6	2.0
	WMGM-TV, Wilwood, NJ Ch. 40, 741 kW, 128 m	448	1.5	448	448	9	2.0	7	1.6	3.6	0	0.0	3.6
	WICZ, Binghamton, NY Ch. 40, 468 kW, 375 m	441	0.1	430	434	0.3	0.1	0	0.0	0.1	0	0.0	0.1
	WPCB-TV, Greensburg, PA[2] Ch. 40, 4900 kW, 299 m	2,528	3.1	2,769	2,771	22	0.8	0	0.0	0.8	0	0.0	0.8
	WLFB, Bluefield, WV[2] Ch. 40, 3160 kW (MAX-DA), 391 m	337	0.1	368	390	1	0.3	0	0.0	0.3	0	0.0	0.3

[1] n=desired NTSC station's channel

[2] The modified facilities of this station, as indicated, were used in performing interference calculations, but the Appendix B data have been used as reference for received interference in accordance with the FCC Public Notice of August 10, 1998, Additional Application Processing Guidelines.

A: NTSC Allocation Study (continued)

Ch. Relation-ship[1]	Potentially Affected Desired NTSC Station	Appendix B Data: Current Svc. Pop. (Thous.)	Appendix B Data: Allotted DTV Interf. (%)	Independent Calculations: Current Svc. Pop. (Thous.)	Noise Limited Pop. (Thous.)	DTV Interf. Taking Into Account C.P.'s (Thous.)	DTV Interf. Taking Into Account C.P.'s (%)	New Interf. from Assumed WNUV-DT@ 200 kW (Thous.)	New Interf. from Assumed WNUV-DT@ 200 kW (%)	Cum-ulative DTV Interf. (%)	New Interf from Prop WTKR-DT (Thous.)	New Interf from Prop WTKR-DT (%)	Cum-ulative Interf. (%)
n-1	WXTV, Paterson, NJ Ch. 41, 2340 kW (MAX-DA), 421 m	16,233	0.2	16,214	16,519	22	0.1	0	0.0	0.1	0	0.0	0.1
	WHTJ, Charlottesville, VA CH. 41, 251 kW (MAX-DA), 352 m	205	0.7	196	196	2	1.0	0	0.0	1.0	0	0.0	1.0
n-2	WVPY, Front Royal, VA Ch. 42, 141 kW (MAX-DA), 399 m	225	1.8	223	223	10	4.5	0	0.0	4.5	0	0.0	4.5
n-3	WPMT, York, PA Ch. 43, 5000 kW (MAX-DA), 417 m	2,529	12.6	2,460	2,999	409	13.6	0	0.0	13.6	0	0.0	13.6
	WVBT, Virginia Beach, VA Ch. 43, 5000 kW, 261 m	1,573	0.0	1,573	1,573	0	0.0	0	0.0	0.0	0	0.0	0.0
n-4	WVIA-TV, Scranton, PA Ch. 44, 1000 kW, 509 m	1,057	6.1	1,067	1,069	90	8.4	0	0.0	8.4	0	0.0	8.4
n-7	WMDT, Salisbury, MD Ch. 47, 2190 kW (MAX-DA), 304 m	417	0.2	417	417	1	0.2	0	0.0	0.2	0	0.0	0.2
	WNJU, Linden, NJ Ch. 47, 4570 kW (MAX-DA), 460 m	16,110	0.1	16,102	16,263	24	0.1	0	0.0	0.1	0	0.0	0.1
	WKBS-TV, Altoona, PA Ch. 47, 1510 kW, 308 m	530	0.3	507	509	1	0.2	0	0.0	0.2	0	0.0	0.2
n-8	WGTW, Burlington, NJ Ch. 48, 2340 kW, 335 m	6,439	1.4	6,433	6,544	63	1.0	0	0.0	1.0	0	0.0	1.0
n+1	WLVT-TV, Allentown, PA Ch. 39, 575 kW, 302 m	2,543	11.9	2,463	2,467	285	11.6	0	0.0	11.6	0	0.0	11.6
n+2	WSWB, Scranton, PA Ch. 38, 1290 kW, 385 m	817	3.2	803	813	38	4.7	0	0.0	4.7	0	0.0	4.7
n+3	Ch. 37 is unused	—	—	—	—	—	—	—	—	—	—	—	—

[1] n=desired NTSC station's channel

A: NTSC Allocation Study (continued)

Ch. Relation-ship[1]	Potentially Affected Desired NTSC Station	Appendix B Data: Current Svc. Pop. (Thous.)	Appendix B Data: Allotted DTV Interf. (%)	Independent Calculations: Current Svc. Pop. (Thous.)	Noise Limited Pop. (Thous.)	DTV Interf. Taking Into Account C.P.'s (Thous.)	DTV Interf. Taking Into Account C.P.'s (%)	New Interf. from Assumed WNUV-DT@ 200 kW (Thous.)	New Interf. from Assumed WNUV-DT@ 200 kW (%)	Cum-ulative DTV Interf. (%)	New Interf from Prop WTKR-DT (Thous.)	New Interf from Prop WTKR-DT (%)	Cum-ulative Interf. (%)
n+4	WGPT, Oakland, MD Ch. 36, 245 kW (MAX-DA), 216 m	97	1.4	93	93	2	2.2	0	0.0	2.2	0	0.0	2.2
	WENY-TV, Elmira, NY Ch. 36, 468 kW, 320 m	316	0.5	310	317	0	0.0	0	0.0	0.0	0	0.0	0.0
n+7	WITF-TV, Harrisburg, PA Ch. 33, 1100 kW, 427 m	1,804	1.9	1,783	1,794	37	2.1	0	0.0	2.1	0	0.0	2.1
	WTVZ, Norfolk, VA Ch. 33, 5000 kW (MAX-DA), 277 m	1,498	0.0	1,498	1,498	0	0.0	0	0.0	0.0	0	0.0	0.0
n+8	WHUT-TV, Washington, DC Ch. 32, 5000 kW (MAX-DA), 213 m	5,777	2.3	5,805	5,833	120	2.1	0	0.0	2.1	0	0.0	2.1
n+14	WETA-TV, Washington, DC Ch. 26, 2290 kW, 233 m	5,637	4.1	5,772	5,936	298	5.0	0	0.0	5.0	0	0.0	5.0
n+15	WUNK-TV, Greenville, NC Ch. 25, 1260 kW (MAX-DA), 351 m	598	1.7	600	646	10	1.5	0	0.0	1.5	0	0.0	1.5

[1] n=desired NTSC station's channel

B: DTV Allocation Study

Ch. Relation-ship[1]	Potentially Affected Desired DTV Allotment or Station	Appendix B Data		Independent Calculations							
						Additional Interf. from WNUV-DT @200 kW				DTV/NTSC Service	
		Base-line Pop. (Thous.)	DTV Svc. (Thous.)	Base-line Pop. (Thous.)	DTV Svc. (Thous.)	w/ WTKR-DT on Ch. 58 (Thous.)	(%)	w/ WTKR-DT on Ch. 40 (Thous.)	(%)	w/ WNUV-DT @ 140.8 kW (%)	w/ WNUV-DT @ 200 kW (%)
n-0	Allotment, Paterson, NJ Ch. 40, 69.1 kW, 421 m	16,545	16,545	16,540	16,540	1	0.0	1	0.0	Not applicable	Not applicable
n-1	Allotment, Baltimore, MD Ch. 41, 50 kW, 326 m	5,643	5,643	5,632	5,632	21	0.4	21	0.4	Not applicable	Not applicable
	Allotment, Scranton, PA Ch. 41, 50 kW, 509 m	1,209	1,209	1,172	1,172	0	0.0	0	0.0	Not applicable	Not applicable
n+1	Allotment, Washington, DC[2] [3] Ch. 39, 1000 kW (MAX-DA), 235 m	6,365	6,004	6,372	6,097	10	0.2	10	0.2	94.1	94.1

[1] n=desired DTV allotment's channel.
[2] This is a DTV allotment where the NTSC service is greater than the DTV service and the baseline population for determining the 10% interference limitation is the NTSC Grade B service from Appendix B.
[3] A license based on a checklist application for WJLA-DT for Ch. 39, 646 kW (MAX), 254 m was granted in BLCDT-98118KG.

ENGINEERING STATEMENT
PREPARED ON BEHALF OF
WTKR, INC.
STATION WTKR
NORFOLK, VIRGINIA

NTSC and DTV Allocation Studies for WUNP-DT, Roanoke Rapids, NC,
Assumed at 200 kW Using FCC Allotment for Ch. 39, 50 kW, 368 m as Reference

Site: 36° 17' 28" North Latitude; 77° 50' 10" West Longitude

Note: FCC FLR database updated to reflect construction permits authorized at many locations.

A: NTSC Allocation Study

Ch. Relation-ship[1]	Potentially Affected Desired NTSC Station	Appendix B Data: Current Svc. Pop. (Thous.)	Appendix B Data: Allotted DTV Interf. (%)	Independent Calculations: Current Svc. Pop. (Thous.)	Noise Lmtd. Pop. (Thous.)	DTV Interf. taking into account CP's (Thous.)	DTV Interf. taking into account CP's (%)	New Interf. from assumed WUNP-DT @ 200 kW (Thous.)	New Interf. from assumed WUNP-DT @ 200 kW (%)	Cum-ulative DTV Interf. (%)	New Interf. from prop. WTKR-DT (Thous.)	New Interf. from prop. WTKR-DT (%)	Cum-ulative Interf. (%)
n-0	WUNJ-TV, Wilmington, NC Ch. 39, 4470 kW (MAX-DA), 553 m	627	0.0	620	635	0	0.0	0	0.0	0.0	0	0.0	0.0
	WEMT, Greeneville, TN Ch. 39, 302.0 kW (MAX-DA), 802 m	1,058	1.0	953	1,006	12	1.2	0	0.0	1.2	0	0.0	1.2
n-1	WKFT, Fayetteville, NC Ch. 40, 5000 kW, 561 m	2,229	0.4	2,228	2,316	9	0.4	4	0.2	0.6	34	1.5	2.1
n-2	WHTJ, Charlottesville, VA Ch. 41, 251 kW (MAX-DA), 352 m	205	0.7	196	196	2	1.0	0	0.0	1.0	0	0.0	1.0
n-3	WTVI, Charlotte, NC C.P. Ch. 42, 5000 kW, 390 m	1,606	2.2	1,602	1,660	32	1.9	31	1.9	3.8	0	0.0	3.8
	WVPY, Front Royal, VA Ch. 42, 141 kW (MAX-DA), 399 m	225	1.8	223	223	10	4.5	0	0.0	4.5	0	0.0	4.5
n-4	WFXB, Myrtle Beach, SC C.P. Ch. 43, 5000 kW (MAX-DA), 463 m	760	0.1	760	760	0.5	0.1	0	0.0	0.1	0	0.0	0.1
n-7	WJZY, Belmont, NC Ch. 46, 5000 kW, 594 m	2,125	1.6	2,123	2,275	33	1.5	0	0.0	1.5	0	0.0	1.5

[1] n=desired NTSC station's channel.

Figure 5
Sheet 1 of 3

A: NTSC Allocation Study (continued)

Ch. Relation-ship[1]	Potentially Affected Desired NTSC Station	Appendix B Data: Current Svc. Pop. (Thous.)	Appendix B Data: Allotted DTV Interf. (%)	Independent Calculations: Current Svc. Pop. (Thous.)	Noise Lmtd. Pop. (Thous.)	DTV Interf. taking into account CP's (Thous.)	DTV Interf. taking into account CP's (%)	New Interf. from assumed WUNP-DT @ 200 kW (Thous.)	New Interf. from assumed WUNP-DT @ 200 kW (%)	Cum-ulative DTV Interf. (%)	New Interf. from prop. WTKR-DT (Thous.)	New Interf. from prop. WTKR-DT (%)	Cum-ulative Interf. (%)
n-8	WMDT, Salisbury, MD Ch. 47, 2190 kW (MAX-DA), 304 m	417	0.2	417	417	1	0.2	0	0.0	0.2	0	0.0	0.2
	WRPX, Rocky Mt., NC Ch. 47, 5000 kW (MAX-DA), 371 m	1,181	0.1	1,180	1,209	1	0.1	0	0.0	0.1	0	0.0	0.1
n+1	WEPX, Greenville, NC[2] C.P. Ch. 38, 3020 kW, 155 m	—	—	527	530	174	32.8	0	0.0	32.8	0	0.0	32.8
	WPXR, Roanoke, VA Ch. 38, 1350 kW (MAX-DA), 616 m	640	1.6	628	631	9	1.4	0	0.0	1.4	0	0.0	1.4
n+2	Ch. 37 is unused	—	—	—	—	—	—	—	—	—	—	—	—
n+3	WGPT, Oakland, MD Ch. 36, 245 kW (MAX-DA), 216 m	97	1.4	93	93	2	2.2	0	0.0	2.2	0	0.0	2.2
	WCNC-TV, Charlotte, NC Ch. 36, 5000 kW, 595 m	2,289	1.3	2,290	2,332	26	1.1	0	0.0	1.1	0	0.0	1.1
	WUNP-TV, Roanoke Rapids, NC Ch. 36, 1550 kW, 368 m	517	0.6	517	547	3	0.5	0	0.0	0.5	0	0.0	0.5
n+4	WFXZ-TV, Jacksonville, NC Ch. 35, 1910 kW (MAX-DA), 199 m	415	0.1	218	219	0	0.0	0	0.0	0.0	0	0.0	0.0
	WRLH-TV, Richmond, VA C.P. Ch. 35, 5000 kW, 384 m	1,089	3.5	1,193	1,210	80	6.6	0	0.0	6.6	0	0.0	6.6
n+7	WHUT-TV, Washington, DC Ch. 32, 5000 kW (MAX-DA), 213 m	5,777	2.3	5,805	5,833	120	2.1	0	0.0	2.1	0	0.0	2
n+8	WUNU, Lumberton, NC Ch. 31, 3160 kW, 319 m	853	8.9	853	855	76	8.9	0	0.0	8.9	0	0.0	8.9
n+14	WUNK-TV, Greenville, NC Ch. 25, 1260 kW (MAX-DA), 351 m	598	1.7	600	646	10	1.5	0	0.0	1.5	0	0.0	1.5

[1] n=desired NTSC station's channel.
[2] This facility does not have a paired DTV allotment and is not included in Appendix B.

B: DTV Allocation Study

Ch. Relation-ship[1]	Potentially Affected Desired DTV Allotment or Station	Appendix B Data		Independent Calculations					
						Additional Interf. from WUNP-DT/200 kW			
		Base-line Pop. (Thous.)	DTV Service (Thous.)	Base-line Pop. (Thous.)	DTV Service (Thous.)	w/ WTKR-DT on Ch. 58 (Thous.)	(%)	w/WTKR-DT on Ch. 40 (Thous.)	(%)
n-o	Allotment, Washington, DC Ch. 39, 1000 kW (MAX-DA), 235 m	6,365	6,004	6,372	6,097	0	0.0	0	0.0
	Allotment, Rock Hill, SC Ch. 39, 147.1 kW, 570m	2,244	2,244	2,241	2,241	1	0.0	1	0.0
n-1	None sufficiently close for concern	—	—	—	—	—	—	—	—
n+1	Allotment, Fayetteville, NC[2] Ch. 38, 205.6 kW, 561 m	2,229	2,123	2,228	2,097	2	0.1	2	0.1
	Allotment, Greeneville, TN Ch. 38, 129.8 kW, 802 m	1,058	1,058	1,045	1,045	0	0.0	0	0.0
	Allotment, Norfolk, VA Ch. 38, 226.8 kW, 277 m	1,498	1,498	1,498	1,498	0	0.0	0	0.0

[1] n=desired DTV allotment's channel.
[2] A checklist application for construction permit for WKFT-DT for Ch. 38, 200 kW (MAX-DA), 538 m was granted in BPCDT-980803KQ.

Attachment B

[DRAFT NOTICE OF PROPOSED RULE MAKING, SUBMITTED PURSUANT TO SECTION 1.401(e) OF THE COMMISSION'S RULES]

Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.622(b),	)	MM Docket No. RM
Table of Allotments, Digital	)	
Television Broadcast Stations	)	
(Norfolk, Virginia)	)	

NOTICE OF PROPOSED RULE MAKING

Adopted: **Released:**

Comment Date:

By the Chief, Video Services Division:

1. The Commission has before it a petition for rule making filed by WTKR-TV, Inc. ("Petitioner"), licensee of NTSC television station WTKR-TV, Norfolk, Virginia. Petitioner requests the substitution of Channel 40 for Channel 58 as the DTV channel assigned for use by WTKR-DT in Norfolk, and requests further that a maximum effective radiated power of 1000 kw be specified for a Channel 40 WTKR-DT, the same effective radiated power as presently specified for WTKR-DT's use of Channel 58. No change in the maximum antenna height above average terrain is requested.

2. In support of its request, Petitioner states that its presently allotted DTV frequency, Channel 58, is not within the core group of television channels to be retained for broadcast use following the end of the DTV transition period. Petitioner asserts that operation on Channel 58 would therefore require that it either switch its DTV operation to Channel 3 (its present NTSC channel) at the end of the transition period or that it shift its DTV operation to a totally new channel to be determined by the

Commission. Petitioner notes that the desirability of Channel 3 for permanent DTV broadcasting is at this point uncertain owing to what may prove to be greater susceptibility of DTV reception to electrical noise on the low band VHF channels. On the other hand, a shift to a totally new channel would require that the station purchase new transmission equipment and would mean that WTKR-DT would lose the channel number identification it would have created during its years of transitional DTV broadcasting on Channel 58.

3. In order to preserve the option of continuing to broadcast on its transitional DTV channel after the transition has ended, as well as to obtain the propagation advantage of a somewhat lower frequency, Petitioner requests that the Commission initiate proceedings to substitute Channel 40 for Channel 58 as its transitional channel. Petitioner has submitted engineering materials demonstrating that the proposed substitution would be consistent with the requirements of Section 73.623 of the Rules in that (1) the principal city coverage requirements of Section 73.625(a) of the Rules would be met and (2) no NTSC or DTV station would receive interference from a WTKR-DT Channel 40 operation in excess of the de minimis standard established in Section 73.623(c)(2) of the Rules.

4. Petitioner supports its request that it be authorized to employ an effective radiated power of 1000 kw on Channel 40 with a showing that such an operation would not preclude any other station from achieving a power level of at least 200 kw.

5. We believe that Petitioner's proposal warrants consideration since it would preserve the option for continuity of operation on Petitioner's transitional DTV channel and because the proposal complies with the criteria set forth in Section 73.623 of the Rules. We therefore propose to modify Section 73.622(b) as requested by Petitioner. Also as requested, we propose to permit WTKR-DT to operate with an effective radiated power of 1000 kw on Channel 40, with no change in the maximum antenna height for that station presently specified in Appendix B to our second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Reports and Orders in MM Docket No. 87-268.

6. Accordingly, we seek comments on the proposed amendment of the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as set forth below for the listed community:

A.

City	Present Channel No.	Proposed Channel No.
Norfolk, VA	38, 46, 58	38, 40, 46

The Commissioner's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows:

Arthur B. Goodkind
Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20036
(202) 467-5700

The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Allotments, Section 73.606(b) of the Commission's Rules. See Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981. The Regulatory Flexibility Act of 1980 would also not apply to rule making proceedings to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules.

For further information concerning this proceeding, contact _____, Mass Media Bureau, (202) 418-1600. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed

constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau

Attachment: Appendix

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s)

who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Center (Room CY-A257) at its headquarters, 445 12th Street, SW, Washington, D.C.